

CITY OF NEWPORT

ORDINANCE NO. 2080

AN ORDINANCE REPEALING AND RE-ENACTING
CHAPTER 9.20 OF THE NEWPORT MUNICIPAL CODE
PERTAINING TO SMOKING AND DRUG USE

WHEREAS, the City of Newport Charter provides that the city has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant; and

WHEREAS, the above referenced grant of power has been interpreted as affording the city all legislative power under the home rule provisions of the Oregon Constitution; and

WHEREAS, it is the purpose of this ordinance to prohibit smoking and drug use in city buildings and on city properties, including parks; and

WHEREAS, the purpose of this ordinance is to provide a healthy and safe environment for users of city properties, including parks; and

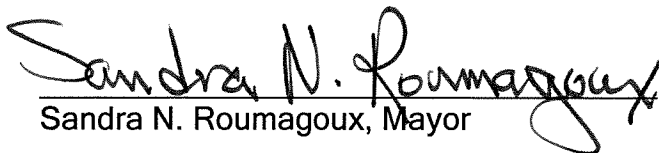
WHEREAS, the City Council adopted Ordinance No. 1917 pertaining to smoking and drug use, on May 21, 2007, and it became effective on June 20, 2007, and the ordinance needs to be updated to address the health and safety of users of city properties, including parks.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Chapter 9.20 of the Newport Municipal Code is repealed and re-enacted as shown in the attached Exhibit A.

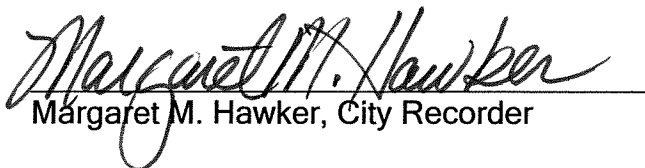
Section 2. This ordinance will become effective thirty days from the date of adoption.

Adopted by the Newport City Council on the 4th day of May, 2015.


Sandra N. Roumagoux, Mayor

ATTEST:

APPROVED AS TO FORM:


Margaret M. Hawker, City Recorder


Steven Rich, City Attorney

EXHIBIT A
TO ORDINANCE NO. 2080

CHAPTER 9.20 SMOKING AND DRUG USE

9.20.005 Definitions

The following definitions apply to this chapter.

- A. Smoking means any inhaling, exhaling, burning, vaporization, or carrying of any lighted pipe, cigar, cigarette, e-cigarettes, or similar product containing tobacco, nicotine, cannabis, illegal drug, or any similar substance. "Smoking" also includes discarding of any tobacco, nicotine, cannabis, or illegal drug product or residue, such as cigarette or cigar butts, ashes, spit containing tobacco or drug residue, or other similar discarded product or residue.
- B. Drug Use means any use of any illegal drug and any intentional inhaling of any glue, adhesive, aerosol propellant, or similar substance.

9.20.010 Prohibition on Smoking and Drug Use In or
Near Certain City Buildings

In addition to the prohibitions on smoking provided by state law, smoking, and drug use is prohibited anywhere on the following properties:

- A. The Newport Public Library.
- B. City Hall.
- C. The Recreation Center, Aquatic Center, and within the boundaries of all City of Newport parks, excluding parking areas.

9.20.015 Exceptions

The prohibition on smoking does not apply to smoking within a vehicle in a driveway or parking lot, but does apply to discarding smoking materials such as cigarette butts onto the listed properties.

9.20.020 Enforcement

Violation of this chapter is a civil infraction. Each separate action is a separate infraction. In addition to any other

authorized code enforcement officers, library employees and parks and recreation employees may be authorized by the Police Chief to act as code enforcement officers to enforce this chapter as to violations on or adjacent to Newport Public Library property and all City of Newport parks, the Recreation Center, and Aquatic Center.

9.20.025 Affirmative Defense

It shall be an affirmative defense that a person accused of a violation of this chapter was unaware of the prohibition on smoking and the location where the person was smoking was not marked with a sign prohibiting smoking. The defense is not available if the person continued smoking after being advised of the prohibition.

(Chapter 9.20 was adopted by Ordinance 1917 on May 21, 2007; effective June 20, 2007.)

(Chapter 9.20, as enacted by Ordinance 1917, was repealed and re-enacted in its entirety by Ordinance No. 2080, adopted on May 4, 2015; effective on June 3, 2015.)